

U. S. Environmental Protection Agency
Local Government Advisory Committee
Communication and Structure Subcommittee

Final Report

MISSION STATEMENT

To clarify and strengthen the role and involvement of local governments and their constituencies in environmental policy and regulatory activities; and to involve local governments throughout the nation in equitable, effective partnerships with their state and federal counterparts.

Most local government programs can function independently and with autonomy under their own authorities, as can the state and federal environmental agencies. However their efficiency and, in turn, the effectiveness of environmental protection, can be substantially increased through coordination which allows each government level to reinforce and add credibility to the regulatory activities at all levels of government. Our subcommittee's purpose is to promote this coordination by developing a communications structure which will facilitate integration and consistency between the various governmental levels, identify streamlining mechanisms and eliminate the need for duplication.

IMPLEMENTATION STRATEGY

The implementation of this mission statement will require the active support and involvement of many people within EPA, especially senior management; and many organizations outside EPA, organizations which have been critical of EPA's past track record in dealing with local government. Consequently, it is critical to build strong internal agreement on the proper involvement of local governments in Agency affairs before venturing too far into the public arena. This new Agency culture must be understood and supported by the various offices within EPA if outside organizations are to take seriously the efforts of the Agency.

Central to achieving any change that emphasizes partnership and environmental result, is communication. Many of the specific issues of concern raised by the Local Government Advisory Committee (LGAC) members will be easier to resolve in their specific applications if there is confidence that all stakeholders will have a continuing and effective method to voice their needs and perspectives, and that their opinions will be fairly considered at the policy level.

Several existing specific impediments to an effective partnership relationship must be acknowledged:

- the regulator's natural fear that general purpose local governments may exercise discretion by yielding to costs and political reality and evade environmental compliance;
- a lack of understanding by EPA of the practical situations facing local governments in assessing risks, prioritizing needs, and allocating limited fiscal and personnel resources;

- the fact that there is no acknowledged uniform system in place for effective communication between EPA staff (central and regional offices), state regulatory agencies and local governments.

Clearly, the education necessary at all levels can only occur if there is some inexpensive, effective and open way to communicate. The Communication and Structure Subcommittee's proposals, submitted to the members of the Local Government Advisory Committee for recommendation to the EPA Administrator, attempt to initiate a communications structure by:

- a.) providing a mechanism within EPA to identify areas appropriate to partnering with local governments,
- b.) providing a practical contact point, economically accessible to both EPA and local governments, for communicating effectively, and
- c.) establishing a regular meeting process that will continue the momentum begun by EPA and the Local Government Advisory Committee.

Goal #1:

IDENTIFY THE PROPER ROLE AND INVOLVEMENT OF LOCAL GOVERNMENTS IN WORKING WITH EPA ON POLICY AND REGULATORY ACTIVITIES

Methodology:

A.) Establish an internal agency Local Government Coordinating Team.

Despite numerous high level forums and discussions, there is little clear evidence at EPA staff level of understanding and agreement on the need for increased local governments involvement, and efforts to address this have been fragmented. The purpose of this team would be to encourage acceptance of the new partnership culture among all EPA programs through their active participation in reevaluating existing agency activities and initiation of internal efforts to promote local government involvement in EPA policy development and implementation where appropriate and feasible.

It is hoped that the team would be directed to provide an organized approach, with a coordinator and assigned members from each environmental media program. Periodic meetings should focus on issues such as an evaluation of EPA's compliance with Presidential Executive Orders 12862 (Customer Service), 12866 (Cost / Benefit Analysis) and 12875 (Unfunded Mandates).

B.) Continue the success of recent efforts by encouraging an ongoing national forum for identifying concerns and possible solutions as our partnership develops and matures.

It has been the experience of participants that the Local Government Advisory Committee and the Small Town Task Force have been effective mechanisms for opening dialogue, exchanging constructive information, and encouraging creative problem solving.

C.) Identify and initiate joint external pilot projects to develop and demonstrate appropriate partnership roles and activities.

Individual pilot projects can provide valuable information to the participants regarding how they can effectively interact and support each other, provide solutions to specific local problems on a case by case basis, and provide an effective model to other jurisdictions for establishing interagency relationships in the future. Possible pilot projects include:

- development of pilot rule-making projects on upcoming rules significantly impacting local governments.

- development of pilot implementation projects which showcase flexibility provided under existing EPA regulations (could use the charrette approach to problem solving).

- identification of a developing environmental policy issue and creation of a format for the solicitation and inclusion of local government perspectives (could use the EPA / local government interest group coordinating council suggested in goal 2 subsection d of this report).

- initiating a series of pilot, site specific, small-town technical assistance projects involving a current implementation problem area. Such projects should showcase federal, state, and local teamwork. (Could use regional local government desk to identify and develop the projects; could also utilize the Local Government Advisory Committee / Small Town Task Force as a "guidance" committee.)

- initiating a pilot small-town communication outreach project established on a watershed geographic scope. (If the EPA Office of Water moves forward with its watershed approach to pollution prevention, a massive communication/public education effort could be utilized to raise public consciousness of environmental issues. As in project defined above, regional local government desk could develop projects. The Local Government Advisory Committee / Small Town Task Force could provide guidance.

- expansion of agency's environmental finance "charrette" approach within other regions / states.

Goal #2

DEVELOP NEW AND IMPROVED METHODS OF COMMUNICATION DIRECTLY WITH STATES, LOCAL GOVERNMENTS AND WITH THEIR VARIOUS ASSOCIATIONS AND RELATED INTEREST GROUPS CONSTITUENTS

Methodology:

A.) Establish at EPA Headquarter's a local government clearinghouse.

The purpose of this recommendation is to establish the official line of communication between the Agency and various national local government interest groups. This will help to overcome the apparent dependence upon personal contact and haphazard organization. It appears to many people outside of the Agency that no formal lines of communication presently exist.

B.) Establish and maintain liaison with the various local government interest groups, including state organizations.

The primary purpose of such liaison efforts is to ensure that the Agency is cognizant of the policies, programs, and problems of these representative organizations as those policies, programs, and problems might impact the interests of the Agency. Through such liaison, the Agency can be responsive to legitimate local government problems and needs.

A partial listing of local government interest groups

- National Association of Counties (NACo)
- National League of Cities (NLC)
- International City / County Managers Association (ICMA)
- U.S. Conference of Mayors
- National Association of Regional Councils (NARC)
- National Association of Towns and Townships (NAT&T)
- Advisory Commission on Intergovernmental Relations (ACIR)
- American Federation of State/County/Municipal Employees (AFSCME)

C.) Establish a Local Government Desk in each EPA regional office to improve communication links between individual local governments, their states, and EPA.

A primary responsibility of this desk would be to serve as the primary contact point for any local government needing information or seeking assistance in solving a problem. The desk should coordinate with existing statewide local government associations and other trade associations which will provide better access to "customers" of the EPA. This ongoing coordination will make the Agency more "user friendly". It will also serve as a pulse on state and local concerns by establishing a formal communications structure which will keep the Agency in direct contact with state and local government trade associations.

It is suggested that Attachment "A", included with this report, be considered by the EPA Administrator as possible responsibilities for the proposed local government desk. This suggested description is intended to outline the local government desk's responsibilities with the central goal of improving the communication links between local governments, their states and EPA.

D.) Establish a headquarters / local government coordinating council.

Beyond trust-building, the purpose of this headquarters council would be to provide an organized forum for the exchange of information between the coordinating team suggested in goal 1 subsection a of this report; to keep all parties aware of pending actions or activities; to provide the Administrator with instant access to local government representatives; and to establish communication links between individual members of the group.

It is hoped that meetings of the council would be held periodically, perhaps even quarterly. Agenda items might include discussion on active policy and rule-making issues; and on technical implementation matters as appropriate. It is suggested that, at least for the first year, the agenda include a briefing from each of the agency's program administrators of operations which they believe may be of interest to local governments.

E.) Establish regional / local government group coordinating council.

More directly accessible to the individual local governments, this council would have the ability to build trust directly among those who actually implement policy and regulations, and those who are affected. The purpose of this regional council would be to provide an organized forum for the exchange of information between EPA, and the state and local governments within each region; to keep all parties aware of pending actions or activities; to provide the Administrator and all EPA staff with direct access to a representative gathering of local government officials; and to establish communication links between individual members of the group.

It is hoped that meetings of the council would be held periodically, perhaps quarterly. Agenda items might include discussion on active policy and rule-making issues; and on technical implementation matters as appropriate. It is suggested that, at least for the first year, the agenda include a briefing from each of the region's program directors of operations on environmental topics which have the largest potential impact on local governments.

EPA Region IV Case Study

A regional program exists in EPA Region IV (based in Atlanta) which provides the Agency with a working model on how to interact with local governments on a wide range of environmental topics in a proactive manner. The program, referred to as the Conference of Southern County Associations (CSCA), was established in 1990 by a coalition of statewide county government associations located in the Southeastern U.S. The program has been underwritten with strong financial support from EPA Region IV (initial funding was also provided by Regions III and VI during the first program year). Private sector financial support (both in-kind and financial) has been secured to cover the Agency's match requirements.

The primary purpose of CSCA is to establish a formal network which assists its members in sharing information on issues of common interest. Member states are Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and West Virginia. Member associations from these states made a commitment during the initial program development stage to keep the network simple and informal. CSCA meetings are held at convenient intervals throughout the year and member states rotate as meeting hosts.

As initially envisioned, the goal of the CSCA project was to combine the financial and technical assistance resources of the Agency with the membership base and established communications network of the various county government associations.

While problems with the initial program development were experienced, a successful formula has been established. As the project now operates, EPA Region IV provides a full-time senior staff person through the Intergovernmental Personnel Act (IPA) program. This IPA position provides full salary, fringe benefits, and some incidental costs for a two year period. There is an option to file for a two year extension if warranted. The project coordinator concentrates on federal project report requirements, the research and drafting of a program newsletter and coordinates work conducted by project contractors.

Among the work prepared by the contractors to date is the following: Technical papers on local government financial assurance requirements for solid waste, transfer stations, recycling market development fact sheets by item (ie. - paper, newsprint, aluminum, ferrous metals, etc.) and solid waste flow control. In addition, a comparative analysis of state solid waste laws in the region was conducted. Finally, and likely the most helpful document, was a report entitled: Where Are We Headed? Environmental Trends: Implication for CSCA. This report allows the members of CSCA to work in a proactive manner by reviewing population trends and environmental / natural resource trends for a forty year period. These trends are then coupled with state by state expenditures for environmental programs and a view of the changing focus or environmental policies. The end result of this overview is a listing of the implications for CSCA states in the future.

It is assumed that given the success of this EPA Region IV model, serious attention should be given to the implementation of this concept in all other Agency regions. According to key local government representatives, the Agency has done a credible job in preparing various technical assistance tools, but has suffered from an inability to access the intended client base (local government officials). By establishing this CSCA ombudsman approach nationwide, the Agency can latch on to established local government networks (county associations and municipal leagues) at the state level. The tools developed by the Agency can then be disseminated through these regional networks and ultimately into the hands of local government officials. State association sponsored conferences, workshops and publications could be used access the intended client base.

Attachment "A"

Proposed Regional EPA Local Government Desk

- 1.) Provides a focal point within the Region for intergovernmental issues and problems. The regional staff assigned to the proposed local government desk would stay abreast of EPA intergovernmental policy and regulatory activity specifically as it relates to local governments. The staff would serve as a vital communication link for the Regional Administrator and other appropriate regional staff.
- 2.) The staff of the proposed local government desk could act as an ombudsman for local governments. This would be accomplished by insuring that requests for information and/or assistance are referred to the appropriate Regional office or state environmental office for action. To effectively accomplish this task, the local government desk staff should establish and maintain ongoing communication links with each of the states within the Region.
- 3.) The staff of the proposed local government desk should establish and maintain ongoing communication links with the various county and municipal local government associations which exist within the various states. These communication links are vital to ensure that EPA local government desk staff are not responsible for directly communicating with the thousands of local governments which exist in the country. The state associations for local governments provide a single point of contact for current mailing lists, existing policy positions, review of draft EPA regulations, guidelines and technical assistance materials. In addition, the state associations for local governments also can provide the EPA with a viable avenue to communicate with local governments. Many of these state associations publish magazines, newsletters, fax notices and legislative updates on a regular schedule. These types of communication channels could be a great aid to EPA in communicating with its local government client base.
- 4.) The proposed local government desk staff could on occasion serve as an internal advocate of intergovernmental perspectives in regional decisional proceedings. The staff could be charged with the responsibility of fairly representing the perspective of local governments to the Regional Administrator and Division Directors in regulatory matters affecting local governments.
- 5.) The proposed local government desk staff could work closely with the regional congressional offices in responding to intergovernmental issues. Especially serving as an "early warning" notification filter system on various "developing" intergovernmental issues.

While the proposed local government desk staff could ideally take on responsibilities beyond the scope of the outline listed above, the work program mentioned here hopefully will serve as a prompt to formally develop the "work task" for these regional "desks".